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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BENQ AMERICA CORP., a California
corporation,

No. 3:05-cv-02409-PJH

Plaintiff,

v.

FORWARD ELECTRONICS CO., LTD., a
foreign corporation, and
STMICROELECTRONICS ASIA PACIFIC PTE
LTD., a foreign corporation,

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL
WITHOUT PREJUDICE OF ALL
CLAIMS AGAINST
STMICROELECTRONICS ASIA
PACIFIC PTE LTD. PURSUANT TO
FRCP 41(a)(1)**

Defendants.

Case No. 3:05-cv-02409-PJH

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF ALL CLAIMS
AGAINST STMICROELECTRONICS ASIA PACIFIC PTE LTD. PURSUANT TO FRCP 41(a)(1)

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND COUNSEL OF
2 RECORD FOR ALL PARTIES:

3 NOTICE IS HEREBY GIVEN that Plaintiff BenQ America Corp. voluntarily
4 dismisses all claims against Defendant STMicroelectronics Asia Pacific Pte Ltd. ("ST
5 Singapore") without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1). *See Wilson*
6 *v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *Concha v. London*, 62 F.3d 1493, 1506
7 (9th Cir. 1995); *Pedrina v. Chun*, 987 F.2d 608, 610-11 (9th Cir. 1993). Plaintiff's dismissal is
8 based on the fact that Thomson Licensing S.A. has apparently abandoned its claim of
9 infringement based on the sale by BenQ America of products incorporating an integrated circuit
10 chip from ST Singapore.

11 Accordingly, Plaintiff respectfully requests that the Court vacate the hearing
12 scheduled for September 7, 2005 on ST Singapore's motion to dismiss.

13 DATED: August 15, 2005 BINGHAM McCUTCHEN LLP

14 _____ /s/
15 BRIAN C. ROCCA (SBN 221576)
16 Three Embarcadero Center
17 San Francisco, CA 94111-4067

18 GARY M. HNATH (*Pro Hac Vice*)
19 FEI-FEI CHAO, Ph.D. (*Pro Hac Vice*)

20 ATTORNEYS FOR PLAINTIFF
21 BENQ AMERICA CORP.



PROOF OF SERVICE

2 I hereby certify that on August 15, 2005, I caused a true and correct copy of
3 PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF ALL
4 CLAIMS AGAINST STMICROELECTRONICS ASIA PACIFIC PTE LTD. PURSUANT TO
5 FRCP 41(a)(1) to be electronically filed in accordance with Civ. L.R. 5-5(b) and General Order
6 No. 45. Accordingly, all counsel of record who are deemed to have consented to electronic
7 service were served with true and correct copies of the above documents via the Court's
8 CM/ECF system. All other counsel of record were served via electronic and United States mail.

10 DATED: August 15, 2005

/s/